

12-29-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Monforte *et al.*
 Serial No.: 09/139,386
 Customer No. 24961
 Confirmation No. 5243
 Filed: August 25, 1998
 For: PRIMERS USEFUL FOR SIZING
 NUCLEIC ACIDS
 Art Unit: 165637
 Examiner: Tung, J.



CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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 Date of Deposit: December 24, 2003

I hereby certify that this paper and the attached papers are being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and addressed to:

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Michael Lough
 Michael Lough

Adjustment date: 12/31/2003 MGE BREM1
 01/25/2004 SSITHIB1 00000011 09139386
 02 FC:217 -460.00 OP

NOTIFICATION OF CHANGE IN SMALL ENTITY STATUS AND PAYMENT OF FEE DEFICIENCY PURSUANT TO 37 C.F.R. §1.28(c)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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DEC 31 2003

OFFICE OF PETITIONS

Dear Sir:

After payment of the following fees for the above-captioned application based on small entity status, it came to our attention that small entity status may not have been appropriate; the fees include:

- 1) Payment in the amount of \$830 for the filing of a Request for Continued Examination per 1.17(e) and the 3 month extension fee per 1.17(a)(3) on January 4, 2002; ✓
- 2) Payment in the amount of \$200 for the filing of an Amendment and the 2 month extension fee per 1.17(a)(2) on September 10, 2002;
- 3) Payment of in the amount of \$365 for the filing of a Notice of Appeal and the 2 month extension fee per 1.17(a)(2) on May 1, 2003; and
- 4) Payment in the amount of \$375 for the filing of a Request for Continued Examination and a supplemental Response on June 30, 2003. ✓

The above-referenced fees under small entity status appear to have been paid in error. The error was made in good faith, without fraudulent or deceptive intent and resulted in failure to pay the appropriate fees based on large entity status. This communication provides notification of the error in status and provides payment of the fee deficiency in the amount of \$ 1900.00, pursuant to the provisions of 37 C.F.R. §1.28(c).

Adjustment date: 12/31/2003 MGE BREM1
 07/03/2003 HBERHE 00000066 09139386
 01 FC:2801 -375.00 OP
 Adjustment date: 12/31/2003 MGE BREM1
 05/06/2003 MGE BREM1 00000084 09139386
 01 FC:2401 -160.00 OP
 Adjustment date: 12/31/2003 MGE BREM1
 05/06/2003 MGE BREM1 00000084 09139386
 02 FC:2252 -205.00 OP

12/31/2003 MGE BREM1 00000059 501213 09139386
 01 FC:1801 770.00 OP
 12/31/2003 MGE BREM1 00000059 501213 09139386
 02 FC:1253 950.00 OP
 03 FC:1401 330.00 OP
 04 FC:1252 420.00 OP
 05 FC:1801 770.00 OP
 06 FC:1401 100.00 DA 230.00 OP

Adjustment date: 12/31/2003 MGE BREM1
 01/25/2004 SSITHIB1 00000011 09139386
 02 FC:217 -460.00 OP

USSN 09/139,386

Monforte et al.

**NOTIFICATION OF CHANGE IN SMALL ENTITY STATUS AND PAYMENT OF FEE DEFICIENCY
PURSUANT TO 37 C.F.R. §1.28(c)**



The Commissioner is hereby authorized to charge any fee, including any submitted herewith, if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency, or to credit any overpayment to Deposit Account No. 50-1213.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE LLP

By:


Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 24736-2060

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